

## **2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0375 Teacher Retirement System

**ACT#:** 1488

**SECTION#:** 5

### **CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

CARRY FORWARD. The remaining balance as of June 30, ~~2004~~ 2006 of unexpended appropriation for the Agency Operations/Administration Program and available to be used for Data Processing Services, up to ~~\$7,550,600~~ \$3,060,600 and Operating Expenses, up to ~~\$2,935,257~~ \$2,934,889, shall be carried forward and used for the same purposes in fiscal year ~~2004-2005~~ 2006-2007 with prior approval of the Chief Fiscal Officer of the State and prior review of the Arkansas Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

### **EXECUTIVE RECOMMENDATION**

CARRY FORWARD. The remaining balance as of June 30, ~~2004~~ 2006 of unexpended appropriation for the Agency Operations/Administration Program ~~and available to be used for Data Processing Services,~~ up to ~~\$7,550,600~~ \$5,995,489 ~~and Operating Expenses, up to \$2,935,257,~~ shall be carried forward and used for the same purposes in fiscal year ~~2004-2005~~ 2006-2007 with prior approval of the Chief Fiscal Officer of the State and prior review of the Arkansas Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

## **2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0375 Teacher Retirement System

**ACT#:**

**SECTION#:** NEW

### **CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL RATES OF PAY. Due to the highly competitive job market conditions and the necessity of recruiting and retaining qualified personnel, the Arkansas Teacher Retirement System is authorized special rates of pay for current and new employees in the classifications listed under subsection (a) below.

(a) Special rates may be authorized up to the maximum authorized for the grade assigned the classification of a position for the following classifications only:

#### CLASS

<u>CODE</u>	<u>TITLE</u>	<u>GRADE</u>	<u>LEVEL</u>
A111	Accountant	18	IV
A110	Accountant II	19	IV
A113	Retirement Counselor	19	IV
A060	Investment Specialist	19	IV

(b) A monthly report shall be made to the Arkansas Legislative Council describing all personnel transactions involving applications of any of the provisions of this Section.

This special provision shall be in full force and effect for the biennium beginning July 1, 2005 and ending June 30, 2007.

### **EXECUTIVE RECOMMENDATION**

AGENCY REQUEST DENIED

## **2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

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### **CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW, ESTABLISHMENT OF A "GROWTH POOL".

(a) To address needs emerging from retirement issues or needs affecting the role and scope of Arkansas Teacher Retirement System programs and adequate staffing levels, the Arkansas Teacher Retirement System shall establish and maintain for the 2005-2007 biennium a pool of (20) twenty classified positions at up to a grade 26, payable from funds appropriated herein for such purposes. These positions are to be used by the Arkansas Teacher Retirement System in the event that the number and level of positions available to address the needs of the retirement system exceed the classified positions regularly authorized for the Arkansas Teacher Retirement System by the Legislature. The Arkansas Teacher Retirement System shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this "growth pool". No classifications will be assigned to the pool until such time as specific positions are requested by the Arkansas Teacher Retirement System, recommended by OPM and approved by the Legislative Council. The Arkansas Teacher Retirement System may transfer positions and appropriations from this pool to any appropriation/pay schedule the agency currently maintains or any appropriation/pay schedule the agency receives during the 2005-2007

### **EXECUTIVE RECOMMENDATION**

AGENCY REQUEST DENIED

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### **CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

### **EXECUTIVE RECOMMENDATION**

biennium. This action is subject to OPM recommendation and to approval by the Legislative Council. Further, the Department of Finance and Administration is authorized to provide appropriation from the "growth pool" each year to provide operating expenses for the above positions. This action is subject to approval by the Chief Fiscal Officer of the State and review by the Legislative Council.

(b) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the Maximum grade or salary attached to those titles. The General Assembly has determined that the Arkansas Teacher Retirement System could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the pool requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by court jurisdiction, this entire section is void. The provision of this section shall be in effect only from July 1, 2005 through June 30, 2007.